

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Julian Phillips	Team: Squad #9	CCRB Case #: 201708333	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 06/18/2017 5:32 AM	Location of Incident: West 145th and Convent Avenue	Precinct: 30	18 Mo. SOL 12/18/2018	EO SOL 12/18/2018	
Date/Time CV Reported Mon, 10/09/2017 5:03 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Mon, 10/09/2017 5:03 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Paul Abraham	15327	927824	030 PCT
2. SGT Sean Monahan	5126	947264	030 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Alexandra Mollica	08454	960954	030 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Sean Monahan	Abuse: Sergeant Sean Monahan forcibly removed § 87(2)(b) to the hospital.	
B.POM Paul Abraham	Force: Police Officer Paul Abraham used physical force against § 87(2)(b)	

### Case Summary

On October 9, 2017, § 87(2)(b) filed this complaint with the CCRB via the call processing system.

On June 18, 2017 at approximately 5:32 a.m., at the intersection of Convent Avenue and West 145<sup>th</sup> Street in Manhattan, Sergeant Sean Monahan of the 30 Precinct ordered Police Officer Paul Abraham and Police Officer Alexandra Mollica, both also of the 30 Precinct, to forcibly remove § 87(2)(b) to a hospital (**Allegation A: Abuse of Authority**, § 87(2)(g) Police Officer Paul Abraham, also of the 30 Precinct, allegedly threw § 87(2)(b) onto the ground before handcuffing her (**Allegation B: Force**, § 87(2)(g) There was an audio recording of a portion of this incident; however, no video footage could be located (01 Board Review).

### Findings and Recommendations

#### **Allegation A: Abuse of Authority – Sergeant Sean Monahan forcibly removed § 87(2)(b) to the hospital.**

In her sworn statement to the CCRB (02 Board Review), § 87(2)(b) stated that she was walking home when, after being slapped by an acquaintance who she encountered in the street, she called 911. § 87(2)(b) had consumed one beer approximately one hour prior to this incident, but was not intoxicated. After waiting several minutes for officers to respond, walking to her apartment, calling 911 an additional time, and returning to the street, § 87(2)(b) approached two officers, identified by the investigation as PO Paul Abraham and PO Alexandra Mollica, both of the 30 Precinct. After a brief conversation, PO Abraham handcuffed § 87(2)(b) and informed her that she would be transported to a hospital. An ambulance subsequently arrived on the scene and transported § 87(2)(b) to § 87(2)(b).

In his statement to the CCRB (03 Board Review), Sgt. Monahan stated that he received multiple reports via the radio that a female individual was repeatedly calling 911 from various locations in the vicinity of West 145<sup>th</sup> Street and Convent Avenue and reporting various crimes, but was not compliant with 911 dispatchers' questions. After multiple officers had canvassed for this individual for an extended period, Sgt. Monahan drove up behind PO Abraham and PO Mollica (who were stopped at the intersection of West 145<sup>th</sup> Street and Convent Avenue) and observed a female individual, identified by the investigation as § 87(2)(b) kick the exterior of PO Abraham and PO Mollica's vehicle. Sgt. Monahan and the officers engaged in a brief conversation with § 87(2)(b) and Sgt. Monahan assessed that she was intoxicated based on the following factors: her eyes appeared glassy, she slurred her words when speaking, she appeared unsteady on her feet and at one point stumbled off the curb, and she repeatedly and abruptly changed the subject of the conversation. Sgt. Monahan also assessed that § 87(2)(b) was incapable of caring for herself and posed a risk to herself and others based on the fact that she had stumbled off of the curb, which indicated to him that she could wander into traffic or fall to the ground and sustain injury. Based on the fact that she appeared intoxicated, that she had kicked the vehicle and may have sustained

an injury to her foot, and that she reported that she had been assaulted, Sgt. Monahan determined that an ambulance should be dispatched to transport § 87(2)(b) to a hospital for a medical evaluation.

PO Abraham (04 Board Review) and PO Mollica (05 Board Review) provided largely consistent statements to the CCRB. Both stated that, upon speaking to § 87(2)(b) they determined her to be intoxicated based on bloodshot eyes and an odor of alcohol, and they further stated that § 87(2)(b) spoke in an agitated manner and intentionally struck the police vehicle at least two times. PO Abraham further stated that § 87(2)(b) walked into the middle of 145<sup>th</sup> Street, placing her at risk of being struck by a moving vehicle (PO Mollica did not report this). Both officers stated that they determined that an ambulance should be dispatched to transport § 87(2)(b) to a hospital because she was intoxicated. Neither officer attributed this determination to Sgt. Monahan, although PO Abraham acknowledged that Sgt. Monahan visited the scene prior to the arrival of the ambulance.

The assertions of Sgt. Monahan, PO Abraham, and PO Mollica that § 87(2)(b) was highly agitated at the time of the incident are consistent with other documentation of the incident. Recordings were obtained of six 911 calls placed by § 87(2)(b) around the time of the incident, during which she repeatedly reports that she has just been assaulted and requests assistance (15 Board Review, 16 Board Review, 17 Board Review, 18 Board Review, 19 Board Review, 01 Board Review). These recordings document that § 87(2)(b) spoke in an agitated manner and repeatedly used profanity in speaking to multiple dispatchers, as well as that she failed to answer dispatchers' questions regarding the incident. PO Abraham prepared an AIDED report for § 87(2)(b) that reported "Aided is highly intoxicated & was acting in an irrational manner (behavior)" (06 Board Review). § 87(2)(b)'s medical records obtained from § 87(2)(b) corroborate that she was diagnosed as intoxicated and emotionally disturbed upon arrival at hospital following this incident. The medical records further indicate that § 87(2)(b) reported to hospital staff that she had consumed multiple alcoholic beverages prior to the incident, as well as that she had intentionally struck the exterior of the police vehicle.

911 Event § 87(2)(b), which corresponds to this incident, indicates that Sgt. Monahan reported himself to have arrived at the scene at 5:32. Less than a minute later, an officer (identified via the audio recording of the radio communication as PO Mollica) requested an ambulance to respond to the scene because of a "highly intoxicated" individual (07 Board Review, 08 Board Review).

§ 87(2)(g)

§ 87(2)(g)

Procedure 221-13 of the NYPD Patrol Guide states that, if a person “appears to be mentally ill or temporarily deranged and is conducting himself in a manner which a police officer reasonably believes is likely to result in serious injury to himself or others,” officers should request an ambulance to the scene (09 Board Review).

§ 87(2)(g)

**Allegation B: Force – Police Officer Paul Abraham used physical force against § 87(2)(b)**

In her sworn statement to the CCRB, § 87(2)(b) stated that, while she was describing the incident in which she had been slapped to PO Abraham and PO Mollica, PO Abraham abruptly grasped hold of her arm, rotated her body, and pushed her down, causing her to fall and strike the sidewalk with the front of her body. PO Abraham then applied handcuffs to her wrists and seated her on the curb to await the arrival of the ambulance.

In their statements to the CCRB, PO Abraham, PO Mollica, and Sgt. Monahan were consistent that PO Abraham and PO Mollica grasped hold of § 87(2)(b)'s arms, pulled them behind her back, and applied handcuffs while § 87(2)(b) was in a standing position. All three officers denied that § 87(2)(b) was pushed onto the ground during the handcuffing (although PO Abraham and PO Mollica affirmed that they assisted § 87(2)(b) in sitting on the curb after the handcuffs had been applied to await the arrival of the ambulance).

§ 87(2)(g)

**Civilian and Officer CCRB Histories**

- § 87(2)(b)

§ 87(2)(b)

- PO Abraham has been a member of the NYPD for 16 years and has 20 prior allegations pleaded against him involving 11 cases with no substantiated allegations (11 Board Review).

§ 87(2)(g)

- Sgt. Monahan has been a member of the NYPD for nine years and has two prior CCRB allegations, involving two cases with no substantiated allegations (12 Board Review).

#### **Mediation, Civil and Criminal Histories**

- This case was deemed ineligible for mediation due to § 87(2)(b)'s forcible removal to the hospital.
- As of November 21, 2017, a notice of claim has not been filed in regards to this incident (13 Board Review).
- § 87(2)(b), § 87(2)(c)

Squad No.: \_\_\_\_\_

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date